

113TH CONGRESS
1ST SESSION

H. R. 1965

AN ACT

To streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Lands Jobs
3 and Energy Security Act of 2013”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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Sec. 1001. Short title.

Sec. 1002. Policies regarding buying, building, and working for America.

Subtitle A—Onshore Oil and Gas Permit Streamlining

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CHAPTER 1—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM

Sec. 1111. Permit to drill application timeline.

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CHAPTER 2—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM

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projects.

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Sec. 1202. Minimum acreage requirement for onshore lease sales.

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- Sec. 1205. Reduce redundant policies.
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Subtitle C—Oil Shale

- Sec. 1301. Short title.
- Sec. 1302. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.
- Sec. 1303. Oil shale leasing.

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- Sec. 1401. Rule of construction.

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- Sec. 2001. Short title.
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TITLE III—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS

- Sec. 3001. Short title.
- Sec. 3002. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
- Sec. 3003. National Petroleum Reserve in Alaska: lease sales.
- Sec. 3004. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
- Sec. 3005. Issuance of a new integrated activity plan and environmental impact statement.
- Sec. 3006. Departmental accountability for development.
- Sec. 3007. Deadlines under new proposed integrated activity plan.
- Sec. 3008. Updated resource assessment.

TITLE IV—BLM LIVE INTERNET AUCTIONS

- Sec. 4001. Short title.
- Sec. 4002. Internet-based onshore oil and gas lease sales.

TITLE V—NATIVE AMERICAN ENERGY

- Sec. 5001. Short title.
- Sec. 5002. Appraisals.
- Sec. 5003. Standardization.
- Sec. 5004. Environmental reviews of major Federal actions on Indian lands.
- Sec. 5005. Judicial review.
- Sec. 5006. Tribal biomass demonstration project.
- Sec. 5007. Tribal resource management plans.
- Sec. 5008. Leases of restricted lands for the Navajo Nation.
- Sec. 5009. Nonapplicability of certain rules.

1 **TITLE I—FEDERAL LANDS JOBS**
2 **AND ENERGY SECURITY**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “Federal Lands Jobs
5 and Energy Security Act”.

6 **SEC. 1002. POLICIES REGARDING BUYING, BUILDING, AND**
7 **WORKING FOR AMERICA.**

8 (a) CONGRESSIONAL INTENT.—It is the intent of the
9 Congress that—

10 (1) this title will support a healthy and growing
11 United States domestic energy sector that, in turn,
12 helps to reinvigorate American manufacturing,
13 transportation, and service sectors by employing the
14 vast talents of United States workers to assist in the
15 development of energy from domestic sources;

16 (2) to ensure a robust onshore energy produc-
17 tion industry and ensure that the benefits of devel-
18 opment support local communities, under this title,
19 the Secretary shall make every effort to promote the
20 development of onshore American energy, and shall
21 take into consideration the socioeconomic impacts,
22 infrastructure requirements, and fiscal stability for
23 local communities located within areas containing
24 onshore energy resources; and

1 (3) the Congress will monitor the deployment of
2 personnel and material onshore to encourage the de-
3 velopment of American manufacturing to enable
4 United States workers to benefit from this title
5 through good jobs and careers, as well as the estab-
6 lishment of important industrial facilities to support
7 expanded access to American resources.

8 (b) REQUIREMENT.—The Secretary of the Interior
9 shall when possible, and practicable, encourage the use of
10 United States workers and equipment manufactured in
11 the United States in all construction related to mineral
12 resource development under this title.

13 **Subtitle A—Onshore Oil and Gas** 14 **Permit Streamlining**

15 **SEC. 1101. SHORT TITLE.**

16 This subtitle may be cited as the “Streamlining Per-
17 mitting of American Energy Act of 2013”.

18 **CHAPTER 1—APPLICATION FOR PERMITS** 19 **TO DRILL PROCESS REFORM**

20 **SEC. 1111. PERMIT TO DRILL APPLICATION TIMELINE.**

21 Section 17(p)(2) of the Mineral Leasing Act (30
22 U.S.C. 226(p)(2)) is amended to read as follows:

23 “(2) APPLICATIONS FOR PERMITS TO DRILL RE-
24 FORM AND PROCESS.—

1 “(A) TIMELINE.—The Secretary shall de-
2 cide whether to issue a permit to drill within 30
3 days after receiving an application for the per-
4 mit. The Secretary may extend such period for
5 up to 2 periods of 15 days each, if the Sec-
6 retary has given written notice of the delay to
7 the applicant. The notice shall be in the form
8 of a letter from the Secretary or a designee of
9 the Secretary, and shall include the names and
10 titles of the persons processing the application,
11 the specific reasons for the delay, and a specific
12 date a final decision on the application is ex-
13 pected.

14 “(B) NOTICE OF REASONS FOR DENIAL.—
15 If the application is denied, the Secretary shall
16 provide the applicant—

17 “(i) in writing, clear and comprehen-
18 sive reasons why the application was not
19 accepted and detailed information con-
20 cerning any deficiencies; and

21 “(ii) an opportunity to remedy any de-
22 ficiencies.

23 “(C) APPLICATION DEEMED APPROVED.—
24 If the Secretary has not made a decision on the
25 application by the end of the 60-day period be-

1 ginning on the date the application is received
2 by the Secretary, the application is deemed ap-
3 proved, except in cases in which existing reviews
4 under the National Environmental Policy Act of
5 1969 (42 U.S.C. 4321 et seq.) or Endangered
6 Species Act of 1973 (16 U.S.C. 1531 et seq.)
7 are incomplete.

8 “(D) DENIAL OF PERMIT.—If the Sec-
9 retary decides not to issue a permit to drill in
10 accordance with subparagraph (A), the Sec-
11 retary shall—

12 “(i) provide to the applicant a descrip-
13 tion of the reasons for the denial of the
14 permit;

15 “(ii) allow the applicant to resubmit
16 an application for a permit to drill during
17 the 10-day period beginning on the date
18 the applicant receives the description of
19 the denial from the Secretary; and

20 “(iii) issue or deny any resubmitted
21 application not later than 10 days after the
22 date the application is submitted to the
23 Secretary.

24 “(E) FEE.—

1 “(i) IN GENERAL.—Notwithstanding
 2 any other law, the Secretary shall collect a
 3 single \$6,500 permit processing fee per ap-
 4 plication from each applicant at the time
 5 the final decision is made whether to issue
 6 a permit under subparagraph (A). This fee
 7 shall not apply to any resubmitted applica-
 8 tion.

9 “(ii) TREATMENT OF PERMIT PROC-
 10 ESSING FEE.—Of all fees collected under
 11 this paragraph, 50 percent shall be trans-
 12 ferred to the field office where they are col-
 13 lected and used to process protests, leases,
 14 and permits under this Act subject to ap-
 15 propriation.”.

16 **SEC. 1112. SOLAR AND WIND RIGHT-OF-WAY RENTAL RE-**
 17 **FORM.**

18 (a) IN GENERAL.—Subject to subsection (b), and
 19 notwithstanding any other provision of law, of fees col-
 20 lected each fiscal year as annual wind energy and solar
 21 energy right-of-way authorization fees required under sec-
 22 tion 504(g) of the Federal Land Policy and Management
 23 Act of 1976 (43 U.S.C. 1764(g))—

24 (1) no less than 25 percent shall be available,
 25 subject to appropriation, for use for solar and wind

1 permitting and management activities by Depart-
 2 ment of the Interior field offices responsible for the
 3 land where the fees were collected;

4 (2) no less than 25 percent shall be available,
 5 subject to appropriation, for Bureau of Land Man-
 6 agement solar and wind permit approval activities;
 7 and

8 (3) no less than 25 percent shall be available,
 9 subject to appropriation, to the Secretary of the In-
 10 terior for department-wide solar and wind permitting
 11 activities.

12 (b) LIMITATION.—The amount used under subsection
 13 (a) each fiscal year shall not exceed \$5,000,000.

14 **CHAPTER 2—ADMINISTRATIVE PROTEST**
 15 **DOCUMENTATION REFORM**

16 **SEC. 1121. ADMINISTRATIVE PROTEST DOCUMENTATION**
 17 **REFORM.**

18 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
 19 226(p)) is further amended by adding at the end the fol-
 20 lowing:

21 “(4) PROTEST FEE.—

22 “(A) IN GENERAL.—The Secretary shall
 23 collect a \$5,000 documentation fee to accom-
 24 pany each protest for a lease, right of way, or
 25 application for permit to drill.

1 “(B) TREATMENT OF FEES.—Of all fees
2 collected under this paragraph, 50 percent shall
3 remain in the field office where they are col-
4 lected and used to process protests subject to
5 appropriation.”.

6 **CHAPTER 3—PERMIT STREAMLINING**

7 **SEC. 1131. IMPROVE FEDERAL ENERGY PERMIT COORDINA-**
8 **TION.**

9 (a) ESTABLISHMENT.—The Secretary of the Interior
10 (referred to in this section as the “Secretary”) shall estab-
11 lish a Federal Permit Streamlining Project (referred to
12 in this section as the “Project”) in every Bureau of Land
13 Management field office with responsibility for permitting
14 energy projects on Federal land.

15 (b) MEMORANDUM OF UNDERSTANDING.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of enactment of this Act, the Secretary
18 shall enter into a memorandum of understanding for
19 purposes of this section with—

20 (A) the Secretary of Agriculture;

21 (B) the Administrator of the Environ-
22 mental Protection Agency; and

23 (C) the Chief of the Army Corps of Engi-
24 neers.

1 (2) STATE PARTICIPATION.—The Secretary
2 may request that the Governor of any State with en-
3 ergy projects on Federal lands to be a signatory to
4 the memorandum of understanding.

5 (c) DESIGNATION OF QUALIFIED STAFF.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of the signing of the memorandum of un-
8 derstanding under subsection (b), all Federal signa-
9 tory parties shall, if appropriate, assign to each of
10 the Bureau of Land Management field offices an
11 employee who has expertise in the regulatory issues
12 relating to the office in which the employee is em-
13 ployed, including, as applicable, particular expertise
14 in—

15 (A) the consultations and the preparation
16 of biological opinions under section 7 of the En-
17 dangered Species Act of 1973 (16 U.S.C.
18 1536);

19 (B) permits under section 404 of Federal
20 Water Pollution Control Act (33 U.S.C. 1344);

21 (C) regulatory matters under the Clean Air
22 Act (42 U.S.C. 7401 et seq.);

23 (D) planning under the National Forest
24 Management Act of 1976 (16 U.S.C. 472a et
25 seq.); and

1 (E) the preparation of analyses under the
2 National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.).

4 (2) DUTIES.—Each employee assigned under
5 paragraph (1) shall—

6 (A) not later than 90 days after the date
7 of assignment, report to the Bureau of Land
8 Management Field Managers in the office to
9 which the employee is assigned;

10 (B) be responsible for all issues relating to
11 the energy projects that arise under the au-
12 thorities of the employee's home agency; and

13 (C) participate as part of the team of per-
14 sonnel working on proposed energy projects,
15 planning, and environmental analyses on Fed-
16 eral lands.

17 (d) ADDITIONAL PERSONNEL.—The Secretary shall
18 assign to each Bureau of Land Management field office
19 identified in subsection (a) any additional personnel that
20 are necessary to ensure the effective approval and imple-
21 mentation of energy projects administered by the Bureau
22 of Land Management field offices, including inspection
23 and enforcement relating to energy development on Fed-
24 eral land, in accordance with the multiple use mandate

1 of the Federal Land Policy and Management Act of 1976
 2 (43 U.S.C. 1701 et seq.).

3 (e) FUNDING.—Funding for the additional personnel
 4 shall come from the Department of the Interior reforms
 5 identified in sections 1111, 1112, and 1121.

6 (f) SAVINGS PROVISION.—Nothing in this section af-
 7 fects—

8 (1) the operation of any Federal or State law;
 9 or

10 (2) any delegation of authority made by the
 11 head of a Federal agency whose employees are par-
 12 ticipating in the Project.

13 (g) DEFINITION.—For purposes of this section the
 14 term “energy projects” includes oil, natural gas, coal, and
 15 other energy projects as defined by the Secretary.

16 **SEC. 1132. ADMINISTRATION OF CURRENT LAW.**

17 Notwithstanding any other law, the Secretary of the
 18 Interior shall not require a finding of extraordinary cir-
 19 cumstances in administering section 390 of the Energy
 20 Policy Act of 2005 (42 U.S.C. 15942).

21 **CHAPTER 4—JUDICIAL REVIEW**

22 **SEC. 1141. DEFINITIONS.**

23 In this chapter—

24 (1) the term “covered civil action” means a civil
 25 action containing a claim under section 702 of title

1 5, United States Code, regarding agency action (as
2 defined for the purposes of that section) affecting a
3 covered energy project on Federal lands of the
4 United States; and

5 (2) the term “covered energy project” means
6 the leasing of Federal lands of the United States for
7 the exploration, development, production, processing,
8 or transmission of oil, natural gas, wind, or any
9 other source of energy, and any action under such
10 a lease, except that the term does not include any
11 disputes between the parties to a lease regarding the
12 obligations under such lease, including regarding
13 any alleged breach of the lease.

14 **SEC. 1142. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
15 **RELATING TO COVERED ENERGY PROJECTS.**

16 Venue for any covered civil action shall lie in the dis-
17 trict court where the project or leases exist or are pro-
18 posed.

19 **SEC. 1143. TIMELY FILING.**

20 To ensure timely redress by the courts, a covered civil
21 action must be filed no later than the end of the 90-day
22 period beginning on the date of the final Federal agency
23 action to which it relates.

1 **SEC. 1144. EXPEDITION IN HEARING AND DETERMINING**
2 **THE ACTION.**

3 The court shall endeavor to hear and determine any
4 covered civil action as expeditiously as possible.

5 **SEC. 1145. STANDARD OF REVIEW.**

6 In any judicial review of a covered civil action, admin-
7 istrative findings and conclusions relating to the chal-
8 lenged Federal action or decision shall be presumed to be
9 correct, and the presumption may be rebutted only by the
10 preponderance of the evidence contained in the adminis-
11 trative record.

12 **SEC. 1146. LIMITATION ON INJUNCTION AND PROSPECTIVE**
13 **RELIEF.**

14 In a covered civil action, the court shall not grant
15 or approve any prospective relief unless the court finds
16 that such relief is narrowly drawn, extends no further than
17 necessary to correct the violation of a legal requirement,
18 and is the least intrusive means necessary to correct that
19 violation. In addition, courts shall limit the duration of
20 preliminary injunctions to halt covered energy projects to
21 no more than 60 days, unless the court finds clear reasons
22 to extend the injunction. In such cases of extensions, such
23 extensions shall only be in 30-day increments and shall
24 require action by the court to renew the injunction.

1 **SEC. 1147. LIMITATION ON ATTORNEYS' FEES.**

2 Sections 504 of title 5, United States Code, and 2412
3 of title 28, United States Code, (together commonly called
4 the Equal Access to Justice Act) do not apply to a covered
5 civil action, nor shall any party in such a covered civil ac-
6 tion receive payment from the Federal Government for
7 their attorneys' fees, expenses, and other court costs.

8 **SEC. 1148. LEGAL STANDING.**

9 Challengers filing appeals with the Department of the
10 Interior Board of Land Appeals shall meet the same
11 standing requirements as challengers before a United
12 States district court.

13 **CHAPTER 5—KNOWING AMERICA'S OIL**
14 **AND GAS RESOURCES**

15 **SEC. 1151. FUNDING OIL AND GAS RESOURCE ASSESS-**
16 **MENTS.**

17 (a) IN GENERAL.—The Secretary of the Interior shall
18 provide matching funding for joint projects with States to
19 conduct oil and gas resource assessments on Federal lands
20 with significant oil and gas potential.

21 (b) COST SHARING.—The Federal share of the cost
22 of activities under this section shall not exceed 50 percent.

23 (c) RESOURCE ASSESSMENT.—Any resource assess-
24 ment under this section shall be conducted by a State, in
25 consultation with the United States Geological Survey.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section a total of \$50,000,000 for fiscal years
4 2014 through 2017.

5 **Subtitle B—Oil and Gas Leasing**
6 **Certainty**

7 **SEC. 1201. SHORT TITLE.**

8 This subtitle may be cited as the “Providing Leasing
9 Certainty for American Energy Act of 2013”.

10 **SEC. 1202. MINIMUM ACREAGE REQUIREMENT FOR ON-**
11 **SHORE LEASE SALES.**

12 In conducting lease sales as required by section 17(a)
13 of the Mineral Leasing Act (30 U.S.C. 226(a)), each year
14 the Secretary of the Interior shall perform the following:

15 (1) The Secretary shall offer for sale no less
16 than 25 percent of the annual nominated acreage
17 not previously made available for lease. Acreage of-
18 fered for lease pursuant to this paragraph shall not
19 be subject to protest and shall be eligible for cat-
20 egorical exclusions under section 390 of the Energy
21 Policy Act of 2005 (42 U.S.C. 15942), except that
22 it shall not be subject to the test of extraordinary
23 circumstances.

24 (2) In administering this section, the Secretary
25 shall only consider leasing of Federal lands that are

1 available for leasing at the time the lease sale oc-
2 curs.

3 **SEC. 1203. LEASING CERTAINTY.**

4 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
5 226(a)) is amended by inserting “(1)” before “All lands”,
6 and by adding at the end the following:

7 “(2)(A) The Secretary shall not withdraw any cov-
8 ered energy project issued under this Act without finding
9 a violation of the terms of the lease by the lessee.

10 “(B) The Secretary shall not infringe upon lease
11 rights under leases issued under this Act by indefinitely
12 delaying issuance of project approvals, drilling and seismic
13 permits, and rights of way for activities under such a
14 lease.

15 “(C) No later than 18 months after an area is des-
16 ignated as open under the current land use plan the Sec-
17 retary shall make available nominated areas for lease
18 under the criteria in section 2.

19 “(D) Notwithstanding any other law, the Secretary
20 shall issue all leases sold no later than 60 days after the
21 last payment is made.

22 “(E) The Secretary shall not cancel or withdraw any
23 lease parcel after a competitive lease sale has occurred and
24 a winning bidder has submitted the last payment for the
25 parcel.

1 “(F) Not later than 60 days after a lease sale held
2 under this Act, the Secretary shall adjudicate any lease
3 protests filed following a lease sale. If after 60 days any
4 protest is left unsettled, said protest is automatically de-
5 nied and appeal rights of the protestor begin.

6 “(G) No additional lease stipulations may be added
7 after the parcel is sold without consultation and agree-
8 ment of the lessee, unless the Secretary deems such stipu-
9 lations as emergency actions to conserve the resources of
10 the United States.”.

11 **SEC. 1204. LEASING CONSISTENCY.**

12 Federal land managers must follow existing resource
13 management plans and continue to actively lease in areas
14 designated as open when resource management plans are
15 being amended or revised, until such time as a new record
16 of decision is signed.

17 **SEC. 1205. REDUCE REDUNDANT POLICIES.**

18 Bureau of Land Management Instruction Memo-
19 randum 2010–117 shall have no force or effect.

20 **SEC. 1206. STREAMLINED CONGRESSIONAL NOTIFICATION.**

21 Section 31(e) of the Mineral Leasing Act (30 U.S.C.
22 188(e)) is amended in the matter following paragraph (4)
23 by striking “at least thirty days in advance of the rein-
24 statement” and inserting “in an annual report”.

Subtitle C—Oil Shale

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the “Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act” or the “PIONEERS Act”.

SEC. 1302. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.

(a) REGULATIONS.—Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69,414) are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of the Interior shall implement those regulations, including the oil shale leasing program authorized by the regulations, without any other administrative action necessary.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—Notwithstanding any other law or regulation to the contrary, the November

1 17, 2008 U.S. Bureau of Land Management Approved Re-
2 source Management Plan Amendments/Record of Decision
3 for Oil Shale and Tar Sands Resources to Address Land
4 Use Allocations in Colorado, Utah, and Wyoming and
5 Final Programmatic Environmental Impact Statement are
6 deemed to satisfy all legal and procedural requirements
7 under any law, including the Federal Land Policy and
8 Management Act of 1976 (43 U.S.C. 1701 et seq.), the
9 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
10 and the National Environmental Policy Act of 1969 (42
11 U.S.C. 4321 et seq.), and the Secretary of the Interior
12 shall implement the oil shale leasing program authorized
13 by the regulations referred to in subsection (a) in those
14 areas covered by the resource management plans amended
15 by such amendments, and covered by such record of deci-
16 sion, without any other administrative action necessary.

17 **SEC. 1303. OIL SHALE LEASING.**

18 (a) **ADDITIONAL RESEARCH AND DEVELOPMENT**
19 **LEASE SALES.**—The Secretary of the Interior shall hold
20 a lease sale within 180 days after the date of enactment
21 of this Act offering an additional 10 parcels for lease for
22 research, development, and demonstration of oil shale re-
23 sources, under the terms offered in the solicitation of bids
24 for such leases published on January 15, 2009 (74 Fed.
25 Reg. 10).

1 (b) COMMERCIAL LEASE SALES.—No later than Jan-
2 uary 1, 2016, the Secretary of the Interior shall hold no
3 less than 5 separate commercial lease sales in areas con-
4 sidered to have the most potential for oil shale develop-
5 ment, as determined by the Secretary, in areas nominated
6 through public comment. Each lease sale shall be for an
7 area of not less than 25,000 acres, and in multiple lease
8 blocs.

9 **Subtitle D—Miscellaneous**

10 **Provisions**

11 **SEC. 1401. RULE OF CONSTRUCTION.**

12 Nothing in this title shall be construed to authorize
13 the issuance of a lease under the Mineral Leasing Act (30
14 U.S.C. 181 et seq.) to any person designated for the im-
15 position of sanctions pursuant to—

16 (1) the Iran Sanctions Act of 1996 (50 U.S.C.
17 1701 note), the Comprehensive Iran Sanctions, Ac-
18 countability and Divestiture Act of 2010 (22 U.S.C.
19 8501 et seq.), the Iran Threat Reduction and Syria
20 Human Rights Act of 2012 (22 U.S.C. 8701 et
21 seq.), section 1245 of the National Defense Author-
22 ization Act for Fiscal Year 2012 (22 U.S.C. 8513a),
23 or the Iran Freedom and Counter-Proliferation Act
24 of 2012 (22 U.S.C. 8801 et seq.);

1 (2) Executive Order No. 13622 (July 30,
2 2012), Executive Order No. 13628 (October 9,
3 2012), or Executive Order No. 13645 (June 3,
4 2013);

5 (3) Executive Order No. 13224 (September 23,
6 2001) or Executive Order No. 13338 (May 11,
7 2004); or

8 (4) the Syria Accountability and Lebanese Sov-
9 ereignty Restoration Act of 2003 (22 U.S.C. 2151
10 note).

11 **TITLE II—PLANNING FOR** 12 **AMERICAN ENERGY**

13 **SEC. 2001. SHORT TITLE.**

14 This title may be cited as the “Planning for American
15 Energy Act of 2013”.

16 **SEC. 2002. ONSHORE DOMESTIC ENERGY PRODUCTION** 17 **STRATEGIC PLAN.**

18 (a) IN GENERAL.—The Mineral Leasing Act (30
19 U.S.C. 181 et seq.) is amended by redesignating section
20 44 as section 45, and by inserting after section 43 the
21 following:

22 **“SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE** 23 **ENERGY PRODUCTION STRATEGY.**

24 “(a) IN GENERAL.—

1 “(1) The Secretary of the Interior (hereafter in
2 this section referred to as ‘Secretary’), in consulta-
3 tion with the Secretary of Agriculture with regard to
4 lands administered by the Forest Service, shall de-
5 velop and publish every 4 years a Quadrennial Fed-
6 eral Onshore Energy Production Strategy. This
7 Strategy shall direct Federal land energy develop-
8 ment and department resource allocation in order to
9 promote the energy and national security of the
10 United States in accordance with Bureau of Land
11 Management’s mission of promoting the multiple use
12 of Federal lands as set forth in the Federal Land
13 Policy and Management Act of 1976 (43 U.S.C.
14 1701 et seq.).

15 “(2) In developing this Strategy, the Secretary
16 shall consult with the Administrator of the Energy
17 Information Administration on the projected energy
18 demands of the United States for the next 30-year
19 period, and how energy derived from Federal on-
20 shore lands can put the United States on a trajec-
21 tory to meet that demand during the next 4-year pe-
22 riod. The Secretary shall consider how Federal lands
23 will contribute to ensuring national energy security,
24 with a goal for increasing energy independence and
25 production, during the next 4-year period.

1 “(3) The Secretary shall determine a domestic
2 strategic production objective for the development of
3 energy resources from Federal onshore lands. Such
4 objective shall be—

5 “(A) the best estimate, based upon com-
6 mercial and scientific data, of the expected in-
7 crease in domestic production of oil and natural
8 gas from the Federal onshore mineral estate,
9 with a focus on lands held by the Bureau of
10 Land Management and the Forest Service;

11 “(B) the best estimate, based upon com-
12 mercial and scientific data, of the expected in-
13 crease in domestic coal production from Federal
14 lands;

15 “(C) the best estimate, based upon com-
16 mercial and scientific data, of the expected in-
17 crease in domestic production of strategic and
18 critical energy minerals from the Federal on-
19 shore mineral estate;

20 “(D) the best estimate, based upon com-
21 mercial and scientific data, of the expected in-
22 crease in megawatts for electricity production
23 from each of the following sources: wind, solar,
24 biomass, hydropower, and geothermal energy
25 produced on Federal lands administered by the

1 Bureau of Land Management and the Forest
2 Service;

3 “(E) the best estimate, based upon com-
4 mercial and scientific data, of the expected in-
5 crease in unconventional energy production,
6 such as oil shale;

7 “(F) the best estimate, based upon com-
8 mercial and scientific data, of the expected in-
9 crease in domestic production of oil, natural
10 gas, coal, and other renewable sources from
11 tribal lands for any federally recognized Indian
12 tribe that elects to participate in facilitating en-
13 ergy production on its lands;

14 “(G) the best estimate, based upon com-
15 mercial and scientific data, of the expected in-
16 crease in production of helium on Federal lands
17 administered by the Bureau of Land Manage-
18 ment and the Forest Service; and

19 “(H) the best estimate, based upon com-
20 mercial and scientific data, of the expected in-
21 crease in domestic production of geothermal,
22 solar, wind, or other renewable energy sources
23 from ‘available lands’ (as such term is defined
24 in section 203 of the Hawaiian Homes Commis-
25 sion Act, 1920 (42 Stat. 108 et seq.), and in-

cluding any other lands deemed by the Territory or State of Hawaii, as the case may be, to be included within that definition) that the agency or department of the government of the State of Hawaii that is responsible for the administration of such lands selects to be used for such energy production.

“(4) The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at its estimates for purposes of this section.

“(5) The Secretary has the authority to expand the energy development plan to include other energy production technology sources or advancements in energy on Federal lands.

“(6) The Secretary shall include in the Strategy a plan for addressing new demands for transmission lines and pipelines for distribution of oil and gas across Federal lands to ensure that energy produced can be distributed to areas of need.

“(b) TRIBAL OBJECTIVES.—It is the sense of Congress that federally recognized Indian tribes may elect to set their own production objectives as part of the Strategy under this section. The Secretary shall work in cooperation with any federally recognized Indian tribe that elects

1 to participate in achieving its own strategic energy objec-
2 tives designated under this subsection.

3 “(c) EXECUTION OF THE STRATEGY.—The relevant
4 Secretary shall have all necessary authority to make deter-
5 minations regarding which additional lands will be made
6 available in order to meet the production objectives estab-
7 lished by strategies under this section. The Secretary shall
8 also take all necessary actions to achieve these production
9 objectives unless the President determines that it is not
10 in the national security and economic interests of the
11 United States to increase Federal domestic energy produc-
12 tion and to further decrease dependence upon foreign
13 sources of energy. In administering this section, the rel-
14 evant Secretary shall only consider leasing Federal lands
15 available for leasing at the time the lease sale occurs.

16 “(d) STATE, FEDERALLY RECOGNIZED INDIAN
17 TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In
18 developing each strategy, the Secretary shall solicit the
19 input of affected States, federally recognized Indian tribes,
20 local governments, and the public.

21 “(e) REPORTING.—The Secretary shall report annu-
22 ally to the Committee on Natural Resources of the House
23 of Representatives and the Committee on Energy and
24 Natural Resources of the Senate on the progress of meet-
25 ing the production goals set forth in the strategy. The Sec-

1 retary shall identify in the report projections for produc-
2 tion and capacity installations and any problems with leas-
3 ing, permitting, siting, or production that will prevent
4 meeting the goal. In addition, the Secretary shall make
5 suggestions to help meet any shortfalls in meeting the pro-
6 duction goals.

7 “(f) PROGRAMMATIC ENVIRONMENTAL IMPACT
8 STATEMENT.—Not later than 12 months after the date
9 of enactment of this section, in accordance with section
10 102(2)(C) of the National Environmental Policy Act of
11 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall com-
12 plete a programmatic environmental impact statement.
13 This programmatic environmental impact statement will
14 be deemed sufficient to comply with all requirements
15 under that Act for all necessary resource management and
16 land use plans associated with the implementation of the
17 strategy.

18 “(g) CONGRESSIONAL REVIEW.—At least 60 days
19 prior to publishing a proposed strategy under this section,
20 the Secretary shall submit it to the President and the Con-
21 gress, together with any comments received from States,
22 federally recognized Indian tribes, and local governments.
23 Such submission shall indicate why any specific rec-
24 ommendation of a State, federally recognized Indian tribe,
25 or local government was not accepted.

1 “(h) STRATEGIC AND CRITICAL ENERGY MINERALS
 2 DEFINED.—For purposes of this section, the term ‘stra-
 3 tegic and critical energy minerals’ means those that are
 4 necessary for the Nation’s energy infrastructure including
 5 pipelines, refining capacity, electrical power generation
 6 and transmission, and renewable energy production and
 7 those that are necessary to support domestic manufac-
 8 turing, including but not limited to, materials used in en-
 9 ergy generation, production, and transportation.”.

10 (b) FIRST QUADRENNIAL STRATEGY.—Not later
 11 than 18 months after the date of enactment of this Act,
 12 the Secretary of the Interior shall submit to Congress the
 13 first Quadrennial Federal Onshore Energy Production
 14 Strategy under the amendment made by subsection (a).

15 **TITLE III—NATIONAL PETRO-**
 16 **LEUM RESERVE IN ALASKA**
 17 **ACCESS**

18 **SEC. 3001. SHORT TITLE.**

19 This title may be cited as the “National Petroleum
 20 Reserve Alaska Access Act”.

21 **SEC. 3002. SENSE OF CONGRESS AND REAFFIRMING NA-**
 22 **TIONAL POLICY FOR THE NATIONAL PETRO-**
 23 **LEUM RESERVE IN ALASKA.**

24 It is the sense of Congress that—

1 (1) the National Petroleum Reserve in Alaska
2 remains explicitly designated, both in name and legal
3 status, for purposes of providing oil and natural gas
4 resources to the United States; and

5 (2) accordingly, the national policy is to actively
6 advance oil and gas development within the Reserve
7 by facilitating the expeditious exploration, produc-
8 tion, and transportation of oil and natural gas from
9 and through the Reserve.

10 **SEC. 3003. NATIONAL PETROLEUM RESERVE IN ALASKA:**
11 **LEASE SALES.**

12 Section 107(a) of the Naval Petroleum Reserves Pro-
13 duction Act of 1976 (42 U.S.C. 6506a(a)) is amended to
14 read as follows:

15 “(a) IN GENERAL.—The Secretary shall conduct an
16 expeditious program of competitive leasing of oil and gas
17 in the reserve in accordance with this Act. Such program
18 shall include at least one lease sale annually in those areas
19 of the reserve most likely to produce commercial quantities
20 of oil and natural gas each year in the period 2013
21 through 2023.”.

1 **SEC. 3004. NATIONAL PETROLEUM RESERVE IN ALASKA:**
2 **PLANNING AND PERMITTING PIPELINE AND**
3 **ROAD CONSTRUCTION.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, the Secretary of the Interior, in consultation
6 with other appropriate Federal agencies, shall facilitate
7 and ensure permits, in a timely and environmentally re-
8 sponsible manner, for all surface development activities,
9 including for the construction of pipelines and roads, nec-
10 essary to—

11 (1) develop and bring into production any areas
12 within the National Petroleum Reserve in Alaska
13 that are subject to oil and gas leases; and

14 (2) transport oil and gas from and through the
15 National Petroleum Reserve in Alaska in the most
16 direct manner possible to existing transportation or
17 processing infrastructure on the North Slope of
18 Alaska.

19 (b) TIMELINE.—The Secretary shall ensure that any
20 Federal permitting agency shall issue permits in accord-
21 ance with the following timeline:

22 (1) Permits for such construction for transpor-
23 tation of oil and natural gas produced under existing
24 Federal oil and gas leases with respect to which the
25 Secretary has issued a permit to drill shall be ap-

1 proved within 60 days after the date of enactment
2 of this Act.

3 (2) Permits for such construction for transpor-
4 tation of oil and natural gas produced under Federal
5 oil and gas leases shall be approved within 6 months
6 after the submission to the Secretary of a request
7 for a permit to drill.

8 (c) PLAN.—To ensure timely future development of
9 the Reserve, within 270 days after the date of the enact-
10 ment of this Act, the Secretary of the Interior shall submit
11 to Congress a plan for approved rights-of-way for a plan
12 for pipeline, road, and any other surface infrastructure
13 that may be necessary infrastructure that will ensure that
14 all leasable tracts in the Reserve are within 25 miles of
15 an approved road and pipeline right-of-way that can serve
16 future development of the Reserve.

17 **SEC. 3005. ISSUANCE OF A NEW INTEGRATED ACTIVITY**
18 **PLAN AND ENVIRONMENTAL IMPACT STATE-**
19 **MENT.**

20 (a) ISSUANCE OF NEW INTEGRATED ACTIVITY
21 PLAN.—The Secretary of the Interior shall, within 180
22 days after the date of enactment of this Act, issue—

23 (1) a new proposed integrated activity plan
24 from among the non-adopted alternatives in the Na-
25 tional Petroleum Reserve Alaska Integrated Activity

1 Plan Record of Decision issued by the Secretary of
2 the Interior and dated February 21, 2013; and

3 (2) an environmental impact statement under
4 section 102(2)(C) of the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for
6 issuance of oil and gas leases in the National Petro-
7 leum Reserve-Alaska to promote efficient and max-
8 imum development of oil and natural gas resources
9 of such reserve.

10 (b) NULLIFICATION OF EXISTING RECORD OF DECI-
11 SION, IAP, AND EIS.—Except as provided in subsection
12 (a), the National Petroleum Reserve-Alaska Integrated
13 Activity Plan Record of Decision issued by the Secretary
14 of the Interior and dated February 21, 2013, including
15 the integrated activity plan and environmental impact
16 statement referred to in that record of decision, shall have
17 no force or effect.

18 **SEC. 3006. DEPARTMENTAL ACCOUNTABILITY FOR DEVEL-**
19 **OPMENT.**

20 The Secretary of the Interior shall issue regulations
21 not later than 180 days after the date of enactment of
22 this Act that establish clear requirements to ensure that
23 the Department of the Interior is supporting development
24 of oil and gas leases in the National Petroleum Reserve-
25 Alaska.

1 **SEC. 3007. DEADLINES UNDER NEW PROPOSED INTE-**
2 **GRATED ACTIVITY PLAN.**

3 At a minimum, the new proposed integrated activity
4 plan issued under section 3005(a)(1) shall—

5 (1) require the Department of the Interior to
6 respond within 5 business days to a person who sub-
7 mits an application for a permit for development of
8 oil and natural gas leases in the National Petroleum
9 Reserve-Alaska acknowledging receipt of such appli-
10 cation; and

11 (2) establish a timeline for the processing of
12 each such application, that—

13 (A) specifies deadlines for decisions and
14 actions on permit applications; and

15 (B) provide that the period for issuing
16 each permit after submission of such an appli-
17 cation shall not exceed 60 days without the con-
18 currence of the applicant.

19 **SEC. 3008. UPDATED RESOURCE ASSESSMENT.**

20 (a) IN GENERAL.—The Secretary of the Interior shall
21 complete a comprehensive assessment of all technically re-
22 coverable fossil fuel resources within the National Petro-
23 leum Reserve in Alaska, including all conventional and un-
24 conventional oil and natural gas.

25 (b) COOPERATION AND CONSULTATION.—The re-
26 source assessment required by subsection (a) shall be car-

ried out by the United States Geological Survey in co-
operation and consultation with the State of Alaska and
the American Association of Petroleum Geologists.

(c) TIMING.—The resource assessment required by
subsection (a) shall be completed within 24 months of the
date of the enactment of this Act.

(d) FUNDING.—The United States Geological Survey
may, in carrying out the duties under this section, coop-
eratively use resources and funds provided by the State
of Alaska.

TITLE IV—BLM LIVE INTERNET AUCTIONS

SEC. 4001. SHORT TITLE.

This title may be cited as the “BLM Live Internet
Auctions Act”.

SEC. 4002. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) AUTHORIZATION.—Section 17(b)(1) of the Min-
eral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence,
by inserting “, except as provided in subparagraph
(C)” after “by oral bidding”; and

(2) by adding at the end the following:

“(C) In order to diversify and expand the Nation’s
onshore leasing program to ensure the best return to the

1 Federal taxpayer, reduce fraud, and secure the leasing
2 process, the Secretary may conduct onshore lease sales
3 through Internet-based bidding methods. Each individual
4 Internet-based lease sale shall conclude within 7 days.”.

5 (b) REPORT.—Not later than 90 days after the tenth
6 Internet-based lease sale conducted under the amendment
7 made by subsection (a), the Secretary of the Interior shall
8 analyze the first 10 such lease sales and report to Con-
9 gress the findings of the analysis. The report shall in-
10 clude—

11 (1) estimates on increases or decreases in such
12 lease sales, compared to sales conducted by oral bid-
13 ding, in—

14 (A) the number of bidders;

15 (B) the average amount of bid;

16 (C) the highest amount bid; and

17 (D) the lowest bid;

18 (2) an estimate on the total cost or savings to
19 the Department of the Interior as a result of such
20 sales, compared to sales conducted by oral bidding;
21 and

22 (3) an evaluation of the demonstrated or ex-
23 pected effectiveness of different structures for lease
24 sales which may provide an opportunity to better
25 maximize bidder participation, ensure the highest re-

1 turn to the Federal taxpayers, minimize opportuni-
 2 ties for fraud or collusion, and ensure the security
 3 and integrity of the leasing process.

4 **TITLE V—NATIVE AMERICAN** 5 **ENERGY**

6 **SEC. 5001. SHORT TITLE.**

7 This title may be cited as the “Native American En-
 8 ergy Act”.

9 **SEC. 5002. APPRAISALS.**

10 (a) AMENDMENT.—Title XXVI of the Energy Policy
 11 Act of 1992 (25 U.S.C. 3501 et seq.) is amended by add-
 12 ing at the end the following:

13 **“SEC. 2607. APPRAISAL REFORMS.**

14 “(a) OPTIONS TO INDIAN TRIBES.—With respect to
 15 a transaction involving Indian land or the trust assets of
 16 an Indian tribe that requires the approval of the Sec-
 17 retary, any appraisal relating to fair market value required
 18 to be conducted under applicable law, regulation, or policy
 19 may be completed by—

20 “(1) the Secretary;

21 “(2) the affected Indian tribe; or

22 “(3) a certified, third-party appraiser pursuant
 23 to a contract with the Indian tribe.

24 “(b) TIME LIMIT ON SECRETARIAL REVIEW AND AC-
 25 TION.—Not later than 30 days after the date on which

1 the Secretary receives an appraisal conducted by or for
2 an Indian tribe pursuant to paragraphs (2) or (3) of sub-
3 section (a), the Secretary shall—

4 “(1) review the appraisal; and

5 “(2) provide to the Indian tribe a written notice
6 of approval or disapproval of the appraisal.

7 “(c) FAILURE OF SECRETARY TO APPROVE OR DIS-
8 APPROVE.—If, after 60 days, the Secretary has failed to
9 approve or disapprove any appraisal received, the ap-
10 praisal shall be deemed approved.

11 “(d) OPTION TO INDIAN TRIBES TO WAIVE AP-
12 PRAISAL.—

13 “(1) An Indian tribe wishing to waive the re-
14 quirements of subsection (a), may do so after it has
15 satisfied the requirements of subsections (2) and (3)
16 below.

17 “(2) An Indian tribe wishing to forego the ne-
18 cessity of a waiver pursuant to this section must
19 provide to the Secretary a written resolution, state-
20 ment, or other unambiguous indication of tribal in-
21 tent, duly approved by the governing body of the In-
22 dian tribe.

23 “(3) The unambiguous indication of intent pro-
24 vided by the Indian tribe to the Secretary under
25 paragraph (2) must include an express waiver by the

1 Indian tribe of any claims for damages it might have
2 against the United States as a result of the lack of
3 an appraisal undertaken.

4 “(e) DEFINITION.—For purposes of this subsection,
5 the term ‘appraisal’ includes appraisals and other esti-
6 mates of value.

7 “(f) REGULATIONS.—The Secretary shall develop
8 regulations for implementing this section, including stand-
9 ards the Secretary shall use for approving or disapproving
10 an appraisal.”.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents of the Energy Policy Act of 1992 (42 U.S.C. 13201
13 note) is amended by adding at the end of the items relat-
14 ing to title XXVI the following:

“Sec. 2607. Appraisal reforms.”.

15 **SEC. 5003. STANDARDIZATION.**

16 As soon as practicable after the date of the enactment
17 of this Act, the Secretary of the Interior shall implement
18 procedures to ensure that each agency within the Depart-
19 ment of the Interior that is involved in the review, ap-
20 proval, and oversight of oil and gas activities on Indian
21 lands shall use a uniform system of reference numbers and
22 tracking systems for oil and gas wells.

1 **SEC. 5004. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL**
2 **ACTIONS ON INDIAN LANDS.**

3 Section 102 of the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4332) is amended by inserting
5 “(a) IN GENERAL.—” before the first sentence, and by
6 adding at the end the following:

7 “(b) REVIEW OF MAJOR FEDERAL ACTIONS ON IN-
8 DIAN LANDS.—

9 “(1) IN GENERAL.—For any major Federal ac-
10 tion on Indian lands of an Indian tribe requiring the
11 preparation of a statement under subsection
12 (a)(2)(C), the statement shall only be available for
13 review and comment by the members of the Indian
14 tribe and by any other individual residing within the
15 affected area.

16 “(2) REGULATIONS.—The Chairman of the
17 Council on Environmental Quality shall develop reg-
18 ulations to implement this section, including descrip-
19 tions of affected areas for specific major Federal ac-
20 tions, in consultation with Indian tribes.

21 “(3) DEFINITIONS.—In this subsection, each of
22 the terms ‘Indian land’ and ‘Indian tribe’ has the
23 meaning given that term in section 2601 of the En-
24 ergy Policy Act of 1992 (25 U.S.C. 3501).

25 “(4) CLARIFICATION OF AUTHORITY.—Nothing
26 in the Native American Energy Act, except section

1 5006 of that Act, shall give the Secretary any addi-
2 tional authority over energy projects on Alaska Na-
3 tive Claims Settlement Act lands.”.

4 **SEC. 5005. JUDICIAL REVIEW.**

5 (a) **TIME FOR FILING COMPLAINT.**—Any energy re-
6 lated action must be filed not later than the end of the
7 60-day period beginning on the date of the final agency
8 action. Any energy related action not filed within this time
9 period shall be barred.

10 (b) **DISTRICT COURT VENUE AND DEADLINE.**—All
11 energy related actions—

12 (1) shall be brought in the United States Dis-
13 trict Court for the District of Columbia; and

14 (2) shall be resolved as expeditiously as pos-
15 sible, and in any event not more than 180 days after
16 such cause of action is filed.

17 (c) **APPELLATE REVIEW.**—An interlocutory order or
18 final judgment, decree or order of the district court in an
19 energy related action may be reviewed by the U.S. Court
20 of Appeals for the District of Columbia Circuit. The D.C.
21 Circuit Court of Appeals shall resolve such appeal as expe-
22 ditiously as possible, and in any event not more than 180
23 days after such interlocutory order or final judgment, de-
24 cree or order of the district court was issued.

1 (d) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
2 standing section 1304 of title 31, United States Code, no
3 award may be made under section 504 of title 5, United
4 States Code, or under section 2412 of title 28, United
5 States Code, and no amounts may be obligated or ex-
6 pended from the Claims and Judgment Fund of the
7 United States Treasury to pay any fees or other expenses
8 under such sections, to any person or party in an energy
9 related action.

10 (e) LEGAL FEES.—In any energy related action in
11 which the plaintiff does not ultimately prevail, the court
12 shall award to the defendant (including any intervenor-
13 defendants), other than the United States, fees and other
14 expenses incurred by that party in connection with the en-
15 ergy related action, unless the court finds that the position
16 of the plaintiff was substantially justified or that special
17 circumstances make an award unjust. Whether or not the
18 position of the plaintiff was substantially justified shall be
19 determined on the basis of the administrative record, as
20 a whole, which is made in the energy related action for
21 which fees and other expenses are sought.

22 (f) DEFINITIONS.—For the purposes of this section,
23 the following definitions apply:

1 (1) AGENCY ACTION.—The term “agency ac-
2 tion” has the same meaning given such term in sec-
3 tion 551 of title 5, United States Code.

4 (2) INDIAN LAND.—The term “Indian Land”
5 has the same meaning given such term in section
6 203(c)(3) of the Energy Policy Act of 2005 (Public
7 Law 109–58; 25 U.S.C. 3501), including lands
8 owned by Native Corporations under the Alaska Na-
9 tive Claims Settlement Act (Public Law 92–203; 43
10 U.S.C. 1601).

11 (3) ENERGY RELATED ACTION.—The term “en-
12 ergy related action” means a cause of action that—

13 (A) is filed on or after the effective date of
14 this Act; and

15 (B) seeks judicial review of a final agency
16 action to issue a permit, license, or other form
17 of agency permission allowing:

18 (i) any person or entity to conduct ac-
19 tivities on Indian Land, which activities in-
20 volve the exploration, development, produc-
21 tion or transportation of oil, gas, coal,
22 shale gas, oil shale, geothermal resources,
23 wind or solar resources, underground coal
24 gasification, biomass, or the generation of
25 electricity; or

1 (ii) any Indian Tribe, or any organiza-
2 tion of two or more entities, at least one
3 of which is an Indian tribe, to conduct ac-
4 tivities involving the exploration, develop-
5 ment, production or transportation of oil,
6 gas, coal, shale gas, oil shale, geothermal
7 resources, wind or solar resources, under-
8 ground coal gasification, biomass, or the
9 generation of electricity, regardless of
10 where such activities are undertaken.

11 (4) **ULTIMATELY PREVAIL.**—The phrase “ulti-
12 mately prevail” means, in a final enforceable judg-
13 ment, the court rules in the party’s favor on at least
14 one cause of action which is an underlying rationale
15 for the preliminary injunction, administrative stay,
16 or other relief requested by the party, and does not
17 include circumstances where the final agency action
18 is modified or amended by the issuing agency unless
19 such modification or amendment is required pursu-
20 ant to a final enforceable judgment of the court or
21 a court-ordered consent decree.

22 **SEC. 5006. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

23 The Tribal Forest Protection Act of 2004 is amended
24 by inserting after section 2 (25 U.S.C. 3115a) the fol-
25 lowing:

1 **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

2 “(a) IN GENERAL.—For each of fiscal years 2014
3 through 2018, the Secretary shall enter into stewardship
4 contracts or other agreements, other than agreements that
5 are exclusively direct service contracts, with Indian tribes
6 to carry out demonstration projects to promote biomass
7 energy production (including biofuel, heat, and electricity
8 generation) on Indian forest land and in nearby commu-
9 nities by providing reliable supplies of woody biomass from
10 Federal land.

11 “(b) DEFINITIONS.—The definitions in section 2
12 shall apply to this section.

13 “(c) DEMONSTRATION PROJECTS.—In each fiscal
14 year for which projects are authorized, the Secretary shall
15 enter into contracts or other agreements described in sub-
16 section (a) to carry out at least 4 new demonstration
17 projects that meet the eligibility criteria described in sub-
18 section (d).

19 “(d) ELIGIBILITY CRITERIA.—To be eligible to enter
20 into a contract or other agreement under this subsection,
21 an Indian tribe shall submit to the Secretary an applica-
22 tion—

23 “(1) containing such information as the Sec-
24 retary may require; and

25 “(2) that includes a description of—

1 “(A) the Indian forest land or rangeland
2 under the jurisdiction of the Indian tribe; and

3 “(B) the demonstration project proposed
4 to be carried out by the Indian tribe.

5 “(e) SELECTION.—In evaluating the applications
6 submitted under subsection (c), the Secretary—

7 “(1) shall take into consideration the factors set
8 forth in paragraphs (1) and (2) of section 2(e) of
9 Public Law 108–278; and whether a proposed dem-
10 onstration project would—

11 “(A) increase the availability or reliability
12 of local or regional energy;

13 “(B) enhance the economic development of
14 the Indian tribe;

15 “(C) improve the connection of electric
16 power transmission facilities serving the Indian
17 tribe with other electric transmission facilities;

18 “(D) improve the forest health or water-
19 sheds of Federal land or Indian forest land or
20 rangeland; or

21 “(E) otherwise promote the use of woody
22 biomass; and

23 “(2) shall exclude from consideration any mer-
24 chantable logs that have been identified by the Sec-
25 retary for commercial sale.

1 “(f) IMPLEMENTATION.—The Secretary shall—

2 “(1) ensure that the criteria described in sub-
3 section (c) are publicly available by not later than
4 120 days after the date of enactment of this section;
5 and

6 “(2) to the maximum extent practicable, consult
7 with Indian tribes and appropriate intertribal orga-
8 nizations likely to be affected in developing the ap-
9 plication and otherwise carrying out this section.

10 “(g) REPORT.—Not later than September 20, 2015,
11 the Secretary shall submit to Congress a report that de-
12 scribes, with respect to the reporting period—

13 “(1) each individual tribal application received
14 under this section; and

15 “(2) each contract and agreement entered into
16 pursuant to this section.

17 “(h) INCORPORATION OF MANAGEMENT PLANS.—In
18 carrying out a contract or agreement under this section,
19 on receipt of a request from an Indian tribe, the Secretary
20 shall incorporate into the contract or agreement, to the
21 extent practicable, management plans (including forest
22 management and integrated resource management plans)
23 in effect on the Indian forest land or rangeland of the re-
24 spective Indian tribe.

1 “(i) TERM.—A stewardship contract or other agree-
 2 ment entered into under this section—

3 “(1) shall be for a term of not more than 20
 4 years; and

5 “(2) may be renewed in accordance with this
 6 section for not more than an additional 10 years.”.

7 **SEC. 5007. TRIBAL RESOURCE MANAGEMENT PLANS.**

8 Unless otherwise explicitly exempted by Federal law
 9 enacted after the date of the enactment of this Act, any
 10 activity conducted or resources harvested or produced pur-
 11 suant to a tribal resource management plan or an inte-
 12 grated resource management plan approved by the Sec-
 13 retary of the Interior under the National Indian Forest
 14 Resources Management Act (25 U.S.C. 3101 et seq.) or
 15 the American Indian Agricultural Resource Management
 16 Act (25 U.S.C. 3701 et seq.), shall be considered a sus-
 17 tainable management practice for purposes of any Federal
 18 standard, benefit, or requirement that requires a dem-
 19 onstration of such sustainability.

20 **SEC. 5008. LEASES OF RESTRICTED LANDS FOR THE NAV-
 21 AJO NATION.**

22 Subsection (e)(1) of the first section of the Act of
 23 August 9, 1955 (25 U.S.C. 415(e)(1); commonly referred
 24 to as the “Long-Term Leasing Act”), is amended—

1 (1) by striking “, except a lease for” and insert-
2 ing “, including leases for”;

3 (2) in subparagraph (A), by striking “25” the
4 first place it appears and all that follows and insert-
5 ing “99 years;”;

6 (3) in subparagraph (B), by striking the period
7 and inserting “; and”; and

8 (4) by adding at the end the following:

9 “(C) in the case of a lease for the exploration,
10 development, or extraction of mineral resources, in-
11 cluding geothermal resources, 25 years, except that
12 any such lease may include an option to renew for
13 one additional term not to exceed 25 years.”.

14 **SEC. 5009. NONAPPLICABILITY OF CERTAIN RULES.**

15 No rule promulgated by the Department of the Inte-
16 rior regarding hydraulic fracturing used in the develop-
17 ment or production of oil or gas resources shall have any
18 effect on any land held in trust or restricted status for
19 the benefit of Indians except with the express consent of

- 1 the beneficiary on whose behalf such land is held in trust
- 2 or restricted status.

Passed the House of Representatives November 20,
2013.

Attest:

Clerk.

113TH CONGRESS
1ST SESSION

H. R. 1965

AN ACT

To streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes.